

SEEGERWEISS LLP
NEW YORK • NEW JERSEY • PHILADELPHIA • NEWTON, MA

David R. Buchanan
(973) 639-9100
dbuchanan@seegerweiss.com

January 19, 2024

VIA ECF

Honorable Brian R. Martinotti, U.S.D.J.
United States District Court
District of New Jersey
U.S. Post Office & Courthouse
2 Federal Square
Newark, NJ 07102

**Re: *In re: Insulin Pricing Litigation, No. 2:23-md-03080-BRM-RLS*
MDL No. 3080**

Dear Judge Martinotti:

In accordance with CMO #3, the parties submit the following weekly status report through the undersigned counsel:

1. **Rule 26(f)/Local Rule 26.1 conference.** The parties began their Rule 26/Local Civil Rule 26.1 conference on December 21, 2023. Plaintiffs have sought a date for a continued 26(f) conference. Defendants are drafting a Rule 26(f) report to better guide the parties' subsequent communications, and intend to circulate that draft report and propose dates to discuss discovery in the near term.
2. **ESI Protocol.** The parties met and conferred on their competing ESI protocols on December 13, 2023. Plaintiffs shared a consolidated markup reflecting Plaintiffs' revised ESI proposal on December 26, 2023, and the parties again met and conferred on January 4, 2024. Defendants provided a counterproposal on January 19, 2024.
3. **Protective Order.** On November 7, 2023, Plaintiffs sent Defendants a draft Protective Order. Defendants provided a counterproposal on November 15, 2023. Plaintiffs provided a counterproposal on December 11, 2023, and Defendants provided another counterproposal on December 28, 2023. On January 5, 2024, the parties met and conferred regarding the draft Protective Order following the receipt of Defendants' edits. On January 11, 2024, Plaintiffs shared redlines of the Protective Order with Defendants concerning matters discussed in the meet-and-confer.

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Defendants are consolidating and discussing their collective edits and intend to circulate them shortly.

4. **Motion-to-Dismiss Briefing.** The parties first met-and-conferred regarding proposals for motion-to-dismiss briefing on December 13, 2023. The Plaintiff tracks provided Defendants with their respective proposals for how to conduct motion-to-dismiss briefing on December 26, 2023. On January 11, 2024, Defendants requested a meet-and-confer for January 17, 2024. On January 17, 2024, Defendants requested a meet-and-confer for January 19, 2024. The Manufacturer Defendants and PBM Defendants provided Plaintiffs with their respective responses on January 18, 2024. The parties set a meet-and-confer for next week (January 24, 2024).

We thank the Court for its continued attention to this matter.

Respectfully submitted,

/s/ James E. Cecchi
James E. Cecchi
Liaison Counsel for
Third-Party Payer Class Track

/s/ Joanne Cicala
Joanne Cicala
Liaison Counsel for
The State Attorney General Track

/s/ David R. Buchanan
David R. Buchanan
Liaison Counsel for
Self-Funded Payer Track

/s/ John D. Tortorella
John D. Tortorella

cc: Honorable Rukhsanah L. Singh, U.S.M.J. (via ECF)
All Counsel of Record (via ECF)